

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

HARLAN ISKE,

Plaintiff,

v.

H.D.S.P., *et al.*,

Defendants.

Case No. 2:22-cv-01035-CDS-EJY

ORDER

On June 30, 2022, Plaintiff Harlan Iske, an inmate in the custody of the Nevada Department of Corrections, submitted documents titled “Motion for Medical Staff to Provide KOP Medication” and “Motion to Force Adequate Medical Care for Tumor/Cist [sic].” ECF Nos. 1-1, 1-2. These submissions by Plaintiff do not comply with the Court’s local rule governing *pro se* civil-rights complaints. More recently, Plaintiff filed a Complaint that complies with the Court’s local rule. ECF No. 8.

On July 22, 2022, Plaintiff filed a motion asking the Court to waive all fees and costs. ECF No. 3. One month later, Plaintiff filed a motion asking the Court to defer requiring him to file an *in forma pauperis* application, arguing that the prison’s financial department is two months behind. ECF No. 5. As of today’s date, Plaintiff has not filed an application to proceed *in forma pauperis* or paid the filing fee.

Under 28 U.S.C. § 1915(a)(2) and LSR 1-2, an inmate seeking to commence a civil action in this Court may apply to proceed *in forma pauperis*, which allows the inmate to file the civil action without prepaying the \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),
- (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and

(3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period.** If Plaintiff has not been at the facility a full six-month period, Plaintiff

must still submit an inmate account statement for the dates he has been present at the facility.

Because the Court cannot realistically function without collecting reasonable fees, it denies Plaintiff's motion to waive all fees and costs and construes Plaintiff's motion to defer filing an *in forma pauperis* application as seeking an extension of time to either pay the filing fee or apply for *in forma pauperis* status, which motion is granted.

ORDER

IT IS HEREBY ORDERED that the Motion to Waive all Fees and Costs (ECF No. 3) is DENIED.

IT IS FURTHER ORDERED that the Motion to Defer filing an application to proceed *in forma pauperis* (ECF No. 5) is construed as a motion for an extension of time and is GRANTED in part and DENIED in part.

IT IS FURTHER ORDERED that the Court grants Plaintiff a **one-time** extension of time through and including **November 11, 2022** to file a fully complete *in forma pauperis* application containing all three of the required documents, or in the alternative, pay the \$402 filing fee. That is, Plaintiff has until **November 11, 2022** to either (1) pay the \$402 filing fee for a civil action; or (2) file with the Court a complete **Application to Proceed in Forma Pauperis for Inmate** on the Court's approved form, a **Financial Certificate** properly signed by both the inmate and a prison or jail official, and a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period.**

IT IS FURTHER ORDERED that the Court will **not** grant any further extensions of time absent unusual circumstances.

IT IS FURTHER ORDERED that the Clerk of the Court must send to Plaintiff the approved form application to proceed *in forma pauperis* by an inmate and the document entitled information and instructions for filing an *in forma pauperis* application.

1 IT IS FURTHER ORDERED that failure to either pay the full filing fee or file a complete
2 application to proceed *in forma pauperis* on or before **November 11, 2022** will result in a
3 recommendation to dismiss this action without prejudice. A dismissal without prejudice allows
4 Plaintiff to file his case with the Court, under a new case number, when he can either file a complete
5 application to proceed *in forma pauperis* or pay the required filing fee.

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7 DATED: September 13, 2022

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9 ELAYNA J. YOUCHAK
10 UNITED STATES MAGISTRATE JUDGE
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